

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

KEVIN YASHTINSKY,  <i>Plaintiff,</i>  v.  WALMART, INC.,  <i>Defendant.</i>	Case No. 5:19-CV-05105-TLB
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**DEFENDANT WALMART INC.'S MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, TO STAY THE ACTION**

Defendant Walmart Inc. (“Walmart”), moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Plaintiff Kevin Yashtinsky’s (“Plaintiff”) Complaint. In the alternative, Walmart moves to stay this action pursuant to the primary jurisdiction doctrine and/or this Court’s inherent authority. In support of this motion, Walmart relies upon the accompanying Memorandum of Law, which is incorporated by reference as if set forth here in full.

**WHEREFORE**, Walmart respectfully requests that the Court enter an Order in the proposed form granting its Motion to Dismiss, or, in the alternative, granting its Motion to Stay.

Dated: July 26, 2019

/s/ Meredith C. Slawe

Meredith C. Slawe (*pro hac vice*)

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**CERTIFICATE OF SERVICE**

I certify that on July 26, 2019, I caused a true and correct copy of the above foregoing documents to be filed with the Court's CM/ECF system, which served notice on all counsel of record.

Dated: July 26, 2019

/s/ Meredith C. Slawe  
Meredith C. Slawe